

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UPSTATE NEW YORK CARPENTERS PENSION
HEALTH AND ANNUITY FUNDS, by Earl Hall
and Gary Toth, as Trustees; et al.,

Plaintiffs,

v.

5:05-CV-0849
(NAM/GHL)

z SEAWAY OF GOVERNEUR, INC.; and
WILLIAM REDDICK, individually,

Defendants.

APPEARANCES:

ARCHER, BYINGTON, GLENNON & LEVINE, LLP
425 Broadhollow Road, Suite 405
Melville, NY 11747
Counsel for Plaintiffs

NORMAN A. MORDUE, CHIEF JUDGE

OF COUNSEL:

JOHN H. BYINGTON, III

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed on the 23rd day of April, 2008. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby approved.
2. The Clerk of the Court is directed to enter Judgment in Plaintiffs' favor and against

Defendants in the following amounts: (1) as against **Defendant Reddick, \$32,646.34**, for unpaid contributions, deductions, interest and liquidated damages owed to Plaintiff Upstate Funds through December 18, 2006, together with the sum of **\$12.714 per day** in interest, from December 19, 2006, through the date of entry of final judgment; and (2) as against **Defendant Seaway**, the foregoing **\$32,646.34** amount and **\$12.714 per day** in interest (owed jointly and severally with Defendant Reddick), together with an additional sum (owed only by Defendant Seaway to the other two Plaintiffs) of **\$2,010.52** for other damages through December 18, 2006, and **\$.38 (thirty-eight cents) per day** in interest, from December 19, 2006, through the date of entry of final judgment.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: May 13, 2008
Syracuse, New York



Norman A. Mordue
Chief United States District Court Judge